

FOURTH DAY

(Monday, October 9, 1972)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Absent—Excused

Bates Moore

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, October 5, 1972, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Moore was granted leave of absence for today on account of illness on motion of Senator Aikin.

Senator Bates was granted leave of absence for today on account of important business on motion of Senator Bridges.

Senate Resolution 82

Senator Brooks offered the following resolution:

Whereas, Mr. and Mrs. Harvey J. Wallace of Searcy, Arkansas, will celebrate their Fiftieth wedding anniversary on October 22, 1972; and

Whereas, Mr. and Mrs. Wallace are lifetime residents of White County, Arkansas; and

Whereas, Nine children were born to them, five of whom became Texas

citizens, one of which is a member of the Texas Senate; and

Whereas, Mr. and Mrs. Wallace have dedicated their lives to their children, God, and their neighbors and fellow citizens; and

Whereas, Throughout their lives Mr. and Mrs. Wallace have shown by word and example the benefits of the American Way of Life, i.e., respect for self, respect for fellow man and his rights; responsibility to self and others, integrity, hard work and service to God and country; now, therefore

Be It Resolved by the Senate of the Fourth Called Session of the 62nd Legislature that the Senate of the State of Texas offers its congratulations to Mr. and Mrs. Harvey J. Wallace upon the celebration of their Fiftieth Wedding Anniversary.

The resolution was read and was adopted.

Message From the House

Hall of the House of Representatives
Austin, Texas,
October 9, 1972,

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 5, Authorizing that Members be reimbursed for their actual and necessary expenses incurred while engaged in the work of the committee at meetings at locations other than the City of Austin while the Legislature is in session.

H. C. R. No. 18, In memory of Wendell H. Bedichek.

H. C. R. No. 21, In memory of Merle T. Waggoner.

H. C. R. No. 23, Commending the San Antonio Opportunities Industrialization Center.

S. C. R. No. 8, In memory of Mr. Luther Raley.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committee

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S. B. No. 38

S. B. No. 39

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H. C. R. No. 13

H. C. R. No. 12

S. C. R. No. 7

Senate Bill 53 on First Reading

The following bill was introduced, read first time and referred to the Committee indicated:

By Senator Blanchard:

S. B. No. 53, A bill to be entitled "An Act amending certain provisions of Chapter Five, Texas Insurance Code to authorize competitive premium rates for motor vehicle or automobile insurance and fire insurance and allied lines, by amending Article 5.03, Texas Insurance Code, to provide for the filing by insurers of applications to establish lesser motor vehicle and automobile insurance rates than those approved by the State Board of Insurance, and specifying standards to be considered in approval thereof; providing authority, procedures and standards for the State Board of Insurance to revoke such lesser rates after notice and hearing; providing automatic termination of such lesser rates; providing procedures and requirements for insurers to use rates or premiums in excess of those promulgated or approved by the State Board of Insurance and establishing exceptions thereto; providing for good driver credit or merit rating programs and authorizing ten per cent credits to or reductions in premium rates for certain insureds with good driving records; by amending Article 5.26, Texas Insurance Code, to provide for insurers to file applications for lesser fire and allied lines insurance rates than those fixed by the State Board of Insurance; prescribing procedures and standards to be considered in connection therewith; fixing procedures and standards for the revocation of such lesser rates after notice and hearing; providing for automatic termination of such lesser rates; providing procedures and standards for use of rates or premiums in excess of those promulgated by the State Board of Insurance; providing for the design-

nation of hazardous areas to permit the writing of specific risks at excess premiums and fixing the conditions therefor; by amending Article 5.35, Texas Insurance Code, to authorize the State Board of Insurance to combine various coverages in single multiperil policies; providing for inconsistency and invalidity; by adding subsection (g) to Article 5.15, Texas Insurance Code, to provide for insurers to file applications for lesser rates for certain lines and kinds of casualty insurance and fidelity, guaranty, and surety bonds; prescribing standards to be considered by the State Board of Insurance in connection therewith; fixing procedures and standards for suspension or revocation of these lesser rates after notice and hearing; providing for termination of lesser rates; and declaring an emergency."

To Committee on Economic Development.

Senate Bill 36 on Second Reading

On motion of Senator Schwartz for Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 36, A bill to be entitled "An Act authorizing the Texas Board of Corrections to convey the fee-simple title to the surface of a certain state-owned tract of land to a certain party, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 36 on Third Reading

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S. B. No. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hall
Beckworth	Harrington
Bernal	Harris
Blanchard	Herring
Bridges	Hightower
Brooks	Jordan
Christie	Kennard
Connally	Kothmann
Creighton	Mauzy
Grover	McKool

Patman	Wallace
Schwartz	Watson
Sherman	Wilson
Snelson	Word
Tippen	

Absent—Excused

Bates	Moore
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Tippen
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Absent—Excused

Bates	Moore
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Presentation of Guests

The President recognized as guests of the Senate today Miss Cathy Stratemeyer, accompanied by Representative Mike Moncrief, and appointed Senators Christie, Hightower, Wallace, Sherman, Watson and Beckworth to escort Miss Stratemeyer and Representative Moncrief to the President's Rostrum.

The President then recognized Senator Christie who introduced Miss Stratemeyer to the Members of the Senate.

Miss Stratemeyer addressed the Senate, explaining the Muscular Dystrophy "Run for Their Lives" drive, a joint project of The University of Texas and The University of Oklahoma.

Senate Concurrent Resolution 10

Senator Hightower offered the following resolution:

S. C. R. No. 10, Providing that a portrait of Governor Preston Smith be hung in the rotunda of the Capitol.

The resolution was read.

On motion of Senator Hightower, and by unanimous consent, the resolution was considered immediately and was adopted.

Reports of Standing Committees

By unanimous consent, Senator Creighton submitted the following report for the Committee on Natural Resources:

S. B. No. 23

By unanimous consent, Senator Blanchard submitted the following report for the Committee on Economic Development:

Austin, Texas,
October 9, 1972,

Hon. Ben Barnes, President of the Senate.

Sir: We, your Committee on Economic Development to which was referred S. B. No. 16, have had the same under consideration, and that on a motion to report S. B. No. 16 favorably, the bill failed to receive an affirmative vote of a majority of the membership of the committee.

BLANCHARD, Chairman

House Resolution on First Reading

The following resolution received from the House was read the first time and referred to the Committee indicated:

H. C. R. No. 5, To Committee on Administration.

Report of Standing Committee Returned to Chairman of Committee

By unanimous consent Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

H. C. R. No. 3.

Senator Schwartz raised the point of order that although the Resolution received a majority vote of those present in the Committee, it did not receive a majority vote of the members of the committee as required under Rules 109 and 110.

The President sustained the Point of Order.

Accordingly, the Secretary of the Senate returned the Committee Report to the Chairman of the Committee on Intergovernmental Relations.

Minority Report On Committee Substitute Senate Bill 16

We, the following members of the Committee on Economic Development Committee, do hereby give notice under Senate Rule 109 of a favorable minority report for C. S. S. B. 16, and within the required ten days a motion will be made to substitute this minority report for the majority report. We were present at the committee hearing and voted on the minority side.

MAUZY
WALLACE

Minority Report for Committee Substitute Senate Bill 16 Ordered Substituted for Majority Report

Senator Mauzy moved that under Senate Rule 109, a Minority Report be substituted for the Majority Report and that C. S. S. B. No. 16 be substituted for majority report and be printed.

Senator Kennard raised the point of order that since C. S. S. B. 16 received a tie vote in committee no committee report was in order under Rule 109.

The President overruled the Point of Order.

Question—Shall the Minority Report for C. S. S. B. No. 16 be substituted for the Majority Report and be ordered printed.

The motion to substitute and print the Minority Report for C. S. S. B. No. 16 prevailed by the following vote:

Yeas—22

Aikin	Jordan
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Schwartz
Christie	Sherman
Grover	Snelson
Hall	Tippen
Harrington	Wallace
Herring	Wilson
Hightower	Word

Nays—7

Blanchard	Kennard
Connally	Patman
Creighton	Watson
Harris	

Absent—Excused

Bates

Moore

Committee Substitute Senate Bill 16 Read First Time and Ordered Printed

Accordingly, C. S. S. B. No. 16 was read first time and was ordered printed.

Memorial Resolutions

H. C. R. No. 18—Memorial resolution for Wendell H. Bedichck.

H. C. R. No. 21—Memorial resolution for Merle T. Waggoner.

S. R. No. 83—By Senator Watson: Memorial resolution for Fred Jackson Langford.

S. R. No. 84—By Senator Snelson: Memorial resolution for Cecil E. Horton.

S. R. No. 85—By Senator Snelson: Memorial resolution for J. B. McCoy.

S. R. No. 86—By Senator Snelson: Memorial resolution for Mrs. C. R. Hutcheson.

Welcome and Congratulatory Resolutions

S. C. R. No. 9—By Senator Schwartz: Extending congratulations to Angleton High School band on selection as Tournament of Roses Parade band.

H. C. R. No. 23—Commending San Antonio Opportunities Industrialization Center.

S. R. No. 87—By Senator Watson: Expressing appreciation to Mrs. Milton (Katherine) Reid for support of Greater Killeen United Fund Drive.

Adjournment

On motion of Senator Aikin the Senate at 12:21 o'clock p.m. adjourned until 11:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

October 9, 1972

S. C. R. No. 7.